

1999" which Senator FRIST and I introduced this past March. This non-controversial, non-partisan legislation creates a commemorative medal to honor organ donors and their survivors. I ask that our colleagues act to support both the Gift of Life Congressional Medal Act as well as the Organ Donor Leave Act to increase organ donation and to bring an end to transplant waiting lists.

Today's vote is an important step toward increasing organ donation, but there are many additional steps that we should also be making to improve our national organ donation rate. I look forward to working with my colleagues in implementing additional future improvements.

Mrs. THURMAN. Mr. Speaker, organ donation falls into the category of things you never think will affect you or your family—it happens to "other people." Well, let me tell you—I lost that false sense of security a few years ago.

My husband, John, spent three awful, debilitating years on dialysis—three years hoping that his name would come up on the waiting list—before finally receiving a kidney.

He was one of the lucky ones. This gift not only gave John a new lease on life, but it has also given my children back a father, and me, a loving husband.

Mr. Speaker, John is not alone. Every year, thousands of Americans wait anxiously on the organ donation lists, and they are entirely dependent on those kind enough to give. They are entirely dependent on those aware that there is a genuine need.

In simple terms, this is a supply and demand problem—a problem which is turning into a health care crisis:

The disparity between the supply and demand of organs contributes to the deaths of eleven people daily.

Between 1988 and 1996, the number of people on the organ transplant waiting list increased by 312 percent and the number of wait list deaths increased 261 percent.

Additionally, in 1996, a new name was added to the transplant waiting list every nine minutes.

I applaud Representatives CUMMINGS for taking a lead in narrowing this gap.

Living organ donation is the wave of the future, and increasing the frequency of living organ donation will not only increase the availability of organs, but also lessen the transplantation rejection rate and reduce costs associated with dialysis.

Now that we have taken this important leap forward, it is my hope that Congress can take a step further and provide living organ donation leave time for all employees under the Family and Medical Leave Act.

We could also increase donation by reimbursing donors for the costs associated with their donation which are currently not reimbursable by Medicare. For example, travel, lodging, meals and child care.

I have introduced legislation to do just this. H.R. 1857 would (1) expand the F.M.L.A. to include living organ donation and (2) establish a grant program to assist organ donors with the high costs associated with transplantation.

Mr. Speaker, we need a concerted and well-established policy on living organ donation in this country. And I would like to thank representative CUMMINGS for his leadership in moving the Congress forward in this endeavor. I urge all of my colleagues to support this important legislation.

Thank you.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 457.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DIGITAL COPYRIGHT LAW TECHNICAL AMENDMENTS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1260) to make technical corrections in title 17, United States Code, and other laws.

The Clerk read as follows:

S. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17, UNITED STATES CODE.

(a) EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS ON EXCLUSIVE RIGHTS.—Section 110(5) of title 17, United States Code, is amended—

(1) by striking "(A) a direct charge" and inserting "(i) a direct charge"; and

(2) by striking "(B) the transmission" and inserting "(ii) the transmission".

(b) EPHEMERAL RECORDINGS.—Section 112(e) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(2) in paragraph (3), as so redesignated, by striking "(2)" and inserting "(1)";

(3) in paragraph (4), as so redesignated—

(A) by striking "(3)" and inserting "(2)";

(B) by striking "(4)" and inserting "(3)";

(C) by striking "(6)" and inserting "(5)"; and

(D) by striking "(3) and (4)" and inserting "(2) and (3)"; and

(4) in paragraph (6), as so redesignated—

(A) by striking "(4)" each place it appears and inserting "(3)"; and

(B) by striking "(5)" each place it appears and inserting "(4)".

(c) DETERMINATION OF REASONABLE LICENSE FEES FOR INDIVIDUAL PROPRIETORS.—Chapter 5 of title 17, United States Code, is amended—

(1) by redesignating the section 512 entitled "**Determination of reasonable license fees for individual proprietors**" as section 513 and placing such section after the section 512 entitled "**Limitations on liability relating to material online**"; and

(2) in the table of sections at the beginning of that chapter by striking

"512. Determination of reasonable license fees for individual proprietors."

and inserting

"513. Determination of reasonable license fees for individual proprietors."

and placing that item after the item entitled "512. Limitations on liability relating to material online."

(d) ONLINE COPYRIGHT INFRINGEMENT LIABILITY.—Section 512 of title 17, United States Code, is amended—

(1) in subsection (e)—

(A) by amending the caption to read as follows:

"(e) LIMITATION ON LIABILITY OF NONPROFIT EDUCATIONAL INSTITUTIONS.—"; and

(B) in paragraph (2), by striking "INJUNCTIONS.—"; and

(2) in paragraph (3) of subsection (j), by amending the caption to read as follows:

"(3) NOTICE AND EX PARTE ORDERS.—".

(e) INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION.—Section 1202(e)(2)(B) of title 17, United States Code, is amended by striking "category or works" and inserting "category of works".

(f) PROTECTION OF DESIGNS.—(1) Section 1302(5) of title 17, United States Code, is amended by striking "1 year" and inserting "2 years".

(2) Section 1320(c) of title 17, United States Code, is amended in the subsection caption by striking "ACKNOWLEDGEMENT" and inserting "ACKNOWLEDGMENT".

(g) MISCELLANEOUS CLERICAL AMENDMENTS.—

(1) Section 101 of title 17, United States Code, is amended—

(A) by transferring and inserting the definition of "United States work" after the definition of "United States"; and

(B) in the definition of "proprietor", by striking "A 'proprietor'" and inserting "For purposes of section 513, a 'proprietor'".

(2) Section 106 of title 17, United States Code, is amended by striking "120" and inserting "121".

(3) Section 118(e) of title 17, United States Code, is amended—

(A) by striking "subsection (b)." and all that follows through "Owners" and inserting "subsection (b). Owners"; and

(B) by striking paragraph (2).

(4) Section 119(a)(8)(C)(ii) of title 17, United States Code, is amended by striking "network's station" and inserting "network station's".

(5) Section 501(a) of title 17, United States Code, is amended by striking "118" and inserting "121".

(6) Section 511(a) of title 17, United States Code, is amended by striking "119" and inserting "121".

SEC. 2. OTHER TECHNICAL CORRECTIONS.

(a) CLERICAL AMENDMENT TO TITLE 28, U.S.C.—The section heading for section 1400 of title 28, United States Code, is amended to read as follows:

"§ 1400. Patents and copyrights, mask works, and designs".

(b) ELIMINATION OF CONFLICTING PROVISION.—Section 5316 of title 5, United States Code, is amended by striking "Commissioner of Patents, Department of Commerce."

(c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—Section 3(d) of title 35, United States Code, is amended by striking ", United States Code".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1260.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 1260, a bill to make technical corrections in title 17, United States Code, and other laws, and urge the House to adopt the measure.

This bill is nearly the same as H.R. 1189, a bill to make technical corrections to title 17, United States Code, and other laws, which passed the House under suspension of the rules on April 13, 1999. This legislation makes significant and necessary improvements to the Copyright Act.

The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support S. 1260 in a bipartisan way. I urge its adoption today.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California (Mr. BERMAN), the ranking member of the subcommittee, is delayed and asked me to stand in for him, which I am glad to do.

Mr. Speaker, I rise in support of S. 1260, a bill making technical corrections in title 17 of the Copyright Act. If ever a bill were truly technical, this is it.

The House Committee on the Judiciary labored long, hard, and successfully last Congress to reduce landmark legislation in the copyright area. This past spring we brought to the House floor H.R. 1189, making a number of technical corrections to the copyright code. As we noted then, the brevity of that bill was testimony to a job well done by all concerned in our efforts last Congress.

Subsequent to passage in this body of H.R. 1189, a small number of additional glitches were identified by our staffs and the staff of the Copyright Office. S. 1260 differs from our House-passed bill for the simple reason that it makes several additional and necessary technical corrections.

I commend the bill to my colleagues and urge its passage. I commend this technical corrections bill to my colleagues.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Maryland (Mr. CUMMINGS) mentioned, the gentleman from California (Mr. BERMAN) is not able to be with us today. But the gentleman from California (Mr. BERMAN), the ranking member, has worked very closely with me on this bill. He concurs, and I appreciate the effort that he has given.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 1260.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TRADEMARK AMENDMENTS ACT OF 1999

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1259) to amend the Trademark Act of 1946 relating to dilution of famous marks, and for other purposes.

The Clerk read as follows:

S. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trademark Amendments Act of 1999".

SEC. 2. DILUTION AS A GROUNDS FOR OPPOSITION AND CANCELATION.

(a) REGISTRABLE MARKS.—Section 2 of the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes" (in this Act referred to as the "Trademark Act of 1946") (15 U.S.C. 1052) is amended by adding at the end the following flush sentences: "A mark which when used would cause dilution under section 43(c) may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which when used would cause dilution under section 43(c) may be canceled pursuant to a proceeding brought under either section 14 or section 24."

(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by inserting "including as a result of dilution under section 43(c)," after "principal register".

(c) PETITIONS TO CANCEL REGISTRATIONS.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended in the matter preceding paragraph (1) by inserting "including as a result of dilution under section 43(c)," after "damaged".

(d) CANCELLATION.—Section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended in the second sentence by inserting "including as a result of dilution under section 43(c)," after "register".

(e) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply only to any application for registration filed on or after January 16, 1996.

SEC. 3. REMEDIES IN CASES OF DILUTION OF FAMOUS MARKS.

(a) INJUNCTIONS.—(1) Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking "section 43(a)" and inserting "subsection (a) or (c) of section 43".

(2) Section 43(c)(2) of the Trademark Act of 1946 (15 U.S.C. 1125(c)(2)) is amended in the first sentence by inserting "as set forth in section 34" after "relief".

(b) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by striking "or a violation under section 43(a)," and inserting "a violation under section 43(a), or a willful violation under section 43(c)."

(c) DESTRUCTION OF ARTICLES.—Section 36 of the Trademark Act of 1946 (15 U.S.C. 1118) is amended in the first sentence—

(1) by striking "or a violation under section 43(a)," and inserting "a violation under

section 43(a), or a willful violation under section 43(c)."; and

(2) by inserting after "in the case of a violation of section 43(a)" the following: "or a willful violation under section 43(c)".

(d) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall not apply to any civil action pending on such date of enactment.

SEC. 4. LIABILITY OF GOVERNMENTS FOR TRADEMARK INFRINGEMENT AND DILUTION.

(a) CIVIL ACTIONS.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended in the last undesignated paragraph in paragraph (1)—

(1) in the first sentence by inserting after "includes" the following: "the United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, or other persons acting for the United States and with the authorization and consent of the United States, and"; and

(2) in the second sentence by striking "Any" and inserting "The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, and any".

(b) WAIVER OF SOVEREIGN IMMUNITY.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking "SEC. 40. (a) Any State" and inserting the following:

"SEC. 40. (a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in Federal or State court by any person, including any governmental or nongovernmental entity, for any violation under this Act.

"(b) WAIVER OF SOVEREIGN IMMUNITY BY STATES.—Any State"; and

(3) in the first sentence of subsection (c), as so redesignated—

(A) by striking "subsection (a) for a violation described in that subsection" and inserting "subsection (a) or (b) for a violation described therein"; and

(B) by inserting after "other than" the following: "the United States or any agency or instrumentality thereof, or any individual, firm, corporation, or other person acting for the United States and with authorization and consent of the United States, or".

(c) DEFINITION.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting between the 2 paragraphs relating to the definition of "person" the following:

"The term 'person' also includes the United States, any agency or instrumentality thereof, or any individual, firm, or corporation acting for the United States and with the authorization and consent of the United States. The United States, any agency or instrumentality thereof, and any individual, firm, or corporation acting for the United States and with the authorization and consent of the United States, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity."

SEC. 5. CIVIL ACTIONS FOR TRADE DRESS INFRINGEMENT.

Section 43(a) of the Trademark Act of 1946 (15 U.S.C. 1125(a)) is amended by adding at the end the following:

"(3) In a civil action for trade dress infringement under this Act for trade dress not